

**APPENDIX D-1**  
Request for Use of  
State Lands

***Request for Use of  
State Lands  
(Original)***



PACIFIC RIM LAND, INC.  
LETTER OF TRANSMITTAL

February 9, 2011

Mr. Daniel Ornellas  
Land Agent  
Dept. of Land and Natural Resources  
Land Division  
Maui District Branch  
54 South High Street, Room 101  
Wailuku, HI 96793

VIA HAND DELIVERY

RE: TMK (2) 3-8-08-019 (Lot 2), Pulehunui, Wailuku, Maui

Please find the following item(s) enclosed:

COPIES	DATE	DESCRIPTION
2 (orig)	2/7/11	Letter request from CMBY 2011 Investment, LLC
2 (orig)	2/4/11	Request for State Lands Application Form
2	1/31/11	Access Easement Plat Map
2		Preliminary concept plan and tax map location

Comments:

If any further information is required, please contact me at 270-5940 or [blanca@pacificrimland.com](mailto:blanca@pacificrimland.com)

Thank you,

Blanca L. Lafollette  
Project Coordinator

CMBY 2011 INVESTMENT, LLC  
C/O P.O. BOX 220  
KIHEI, HAWAII 96753  
808-874-5263

February 7, 2011

Mr. Daniel Ornellas, Land Agent  
State of Hawaii  
Department of Land and Natural Resources  
Land Division  
Maui District Branch  
54 High Street, Room 101  
Wailuku, HI 96793

Re. TMK (2) 3-8-08-019 (Lot 2), Pulehunui, Wailuku, Maui

Dear Mr. Ornellas:

CMBY 2011 Investment, LLC ("CMBY") is currently in the process of purchasing from Alexander & Baldwin, Inc. ("A&B") the above referenced property consisting of approximately 86 acres in Pulehunui, the Old Puunene Airport area (the "Property"). The Property is currently zoned agricultural, and has been included in the Maui Island Plan Urban Growth Boundary.

Upon completion of the purchase, CMBY will seek District Boundary Amendment from State Agricultural to State Urban; Community Plan Amendment from Agricultural to Heavy Industrial; and a Change in Zoning from Agricultural to M2 or M3 Heavy Industrial for the development of the Property. CMBY will then apply to subdivide the Property into a 28-lot heavy industrial use subdivision. CMBY's proposed development for a portion of the Property is for Construction & Demolition Materials Recycling Facility (CDMRF) (see page 2 of Exhibit "2").

In order to access the Property from Mokuulele Hwy., CMBY is requesting a 56-foot Grant of Easement for access and utility purposes from The Department of Land and Natural Resources. Attached is an Access Easement Plat Map (Exhibit "1") indicating our request for access. Also included is our Request For State Lands Application Form; and a preliminary concept plan of our proposed project and location in relation to the tax maps (Exhibit "2").

If you would like to discuss the request further, I can be contacted at 270-5940 or [blanca@pacificrimland.com](mailto:blanca@pacificrimland.com)

Sincerely,

Blanca Lafollette  
Project Coordinator

Back: Access Easement Plat Map (Exh. "1")  
Request For State Lands Application Form  
Preliminary concept plan and tax map location (Exh. "2")

For DLNR use only:  
 Date of request: \_\_\_\_\_  
 Date request recvd: \_\_\_\_\_  
 Date request no. issued: \_\_\_\_\_  
 Request number: \_\_\_\_\_  
 Land Code: \_\_\_\_\_  
 Unit Code: \_\_\_\_\_  
 Status: \_\_\_\_\_  
 Type of Request: \_\_\_\_\_  
 Assigned Land Agent: \_\_\_\_\_

STATE OF HAWAII  
 DEPARTMENT OF LAND & NATURAL RESOURCES

REQUEST FOR STATE LANDS  
 APPLICATION FORM

I. APPLICANT  
 Should a land disposition result from your application, the following information will be used in the preparation of the legal documents. Therefore, please include all applicable, full legal names and addresses, one for each person/entity (attach additional sheets as necessary). If title is held by a trust, please include the trustee(s) name(s) and full description of the trust (e.g., George D. Smith, Trustee of the George D. Smith Revocable Living Trust dated June 1, 2001).

Applicant name(s): CMBY 2011 Investment, LLC First Name \_\_\_\_\_ Last name \_\_\_\_\_  
 Mailing address: P.O. Box 598 No. and Street \_\_\_\_\_  
Wenatchee WA 98807 City State Zip Code \_\_\_\_\_  
 (509)663-5263 Work Home \_\_\_\_\_  
 ( ) Pager \_\_\_\_\_ E-mail address \_\_\_\_\_  
 JSGNB Investments, Inc. Its Manager \_\_\_\_\_ Date: 2/4/11  
 J. Stephen Goodfellow, Its President \_\_\_\_\_  
 Applicant intends to hold title as:  
 Individual  Corporation  Partnership  
 Husband and Wife  Limited Liability Corporation  Limited Partnership  
 Trust  Non-Profit Corporation  Association  
 Joint Venture  Limited Liability Partnership  
 Other (specify): \_\_\_\_\_

For individual or husband and wife, type of tenancy:  
 Tenant in Severalty  Tenants in Common  Joint Tenants  Tenants by the Entirety

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For individual, marital status:  
 Single  Widow/widower  Married - spouse of: \_\_\_\_\_  
 For partnership or corporation, state of incorporation: Washington

II. AGENT  
 If you have an attorney, consultant or other person processing this request for you, please include the following information.

Agent name: Lafollette Last name Blanca First Name Pacific Rim Land, Inc.  
 Agent address: P.O. Box 220 No. and Street \_\_\_\_\_  
Kihei HI State 96753 Zip Code \_\_\_\_\_  
 (808) 874-5263 (808) 270-5240 (direct) (808) 357-0085 Work Home Cellular  
 ( ) Pager (808) 879-2557 Fax blanca@pacificrimland.com E-mail address

III. TYPE OF REQUEST  
 Right-of-entry (right to temporarily enter onto State lands for a specific purpose)  
 \*An annual immediate right of way access is being requested for legal access while Grant of Easement is being obtained.  
 Grant of easement (access, utility, seawall, etc.)  
 Month-to-month revocable permit  
 Direct lease (eleemosynary organizations, public utilities, government, renewable energy producers, etc.)  
 Purchase of remnant  
 Land patent in confirmation of a Land Commission Award  
 Land license

Is this request being made to resolve an encroachment or other violation?  Yes  No  
 If yes, explain: N/A

IV. LOCATION AND AREA  
 If your request pertains to a specific parcel, please specify below.

Island:  Oahu  Kauai  Molokai  
 Hawaii  Maui

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Town: Pulehuanui (Punene) Tax Map Key: (2)3-8-08-019  
 Area: 410,650 sq. ft. (7,333 ft. x 56 ft.) 50.0 acres (circle one)  
 County Zoning: Agricultural  
 State Land Use:  Agricultural  Rural  
 Conservation  Urban  
 Is property located in a Special Management Area?  Yes  No

V. USE  
 Identify the specific uses intended.  
 Agriculture  Easement - Access  
 Business/Commercial  Easement - Utility  
 Industrial  Easement - Seawall  
 Pasture  
 Other (specify): \_\_\_\_\_

A. Fully describe your proposed use of the public lands:  
An approximate 7,333 foot long paved right of way to access (2)3-8-08-019-Lot 2 (the "Property") will be designed and constructed per State and County requirements. The 56-foot requested access is from Mokuole Hwy. and Kamaoia Road to the entrance of the Property. (See Exhibit "1")

B. Attach a location map showing a preliminary sketch or plot plan of your proposed project in relation to the tax maps. (See Exhibit "2")

C. Describe any improvements you intend to place on the land and their approximate value:  
Upon completion of County of Maui subdivision approval, the Applicant ("CMBY") will construct a State and County approved right of way. Value will be determined based on construction plans.

D. If constructing improvements, attach a Plan of Development showing improvements to be constructed and their location on the public lands including a timeframe for construction. Upon completion of entitlements for the Property, a Plan of Development for the Construction of the right of way will be designed per State and County requirements

E. Is it your opinion that an environmental assessment is required?  Yes  No  
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If no, identify exemption: \_\_\_\_\_  
 If yes, describe completion of EA: Use of State Lands, and the Community Plan Amendment from Agriculture to Heavy Industrial will generate the EA

F. Describe what other permits or approvals are required for this use and whether you have obtained such permits or approvals:  
CMBY has begun the process to apply for a District Boundary Amendment from State Agricultural to State Urban; Community Plan Amendment from Agricultural to Heavy Industrial; and a Change in Zoning from Agricultural to M2 or M3 Heavy Industrial

VI. OTHER

- A. If you are applying for a revocable permit for any type of use, you are required to provide the following information:
- 1) Describe your qualifications and experience in running this type of operation; and
  - 2) Describe your long-term intentions for this operation. (Note: Revocable permits are temporary and may be revoked at any time.)
- B. If you are applying for a revocable permit for pasture or agricultural use, you are required to complete Attachment A. N/A

VII. CERTIFICATION

I/We hereby certify that the statements and information contained in this application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected or my/our lease/permit/agreement may be cancelled.

Blanca Lafollette \_\_\_\_\_  
 Printed Name

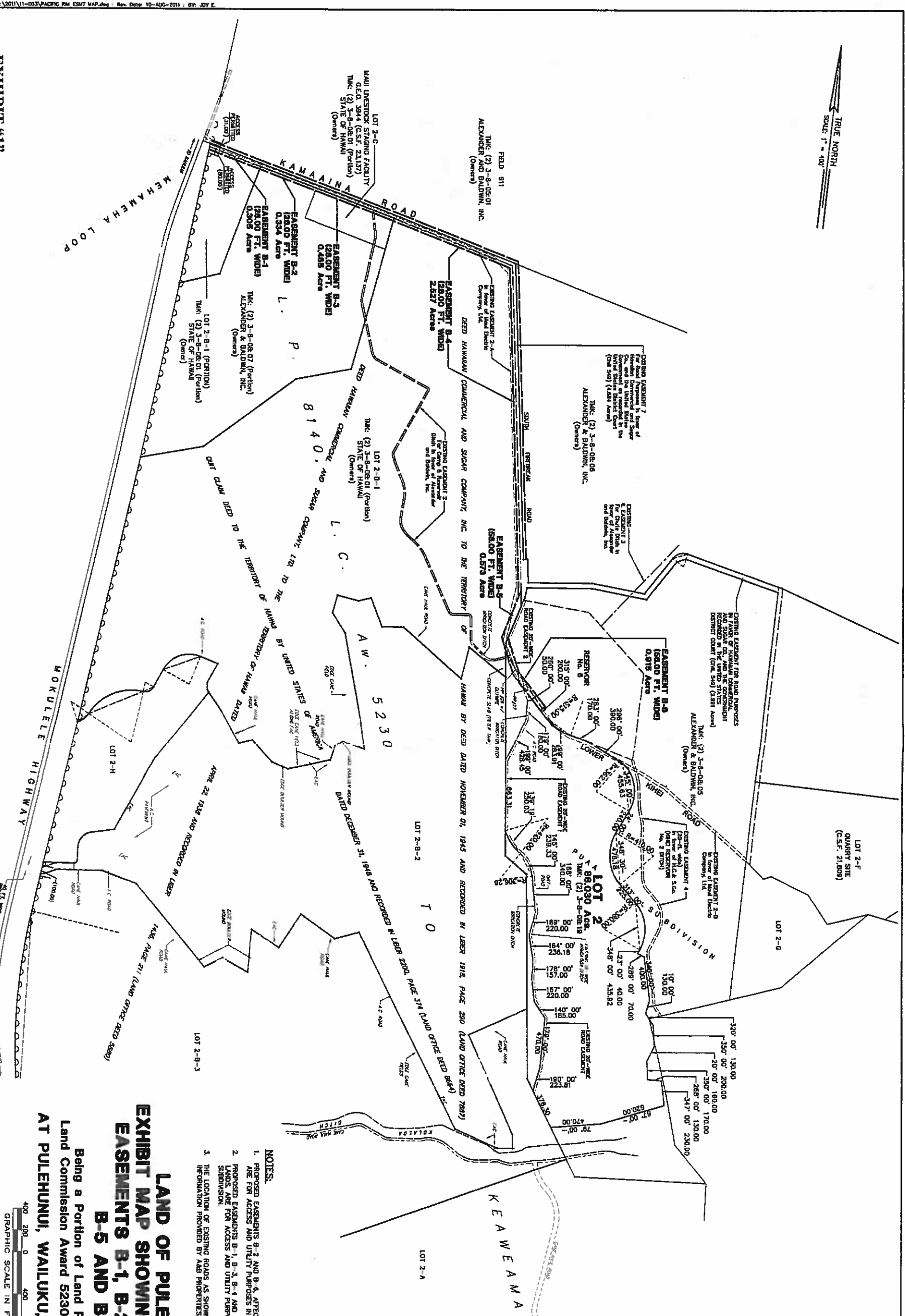
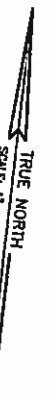
x Blanca Lafollette \_\_\_\_\_  
 Signature

\_\_\_\_\_ \_\_\_\_\_  
 Signature Date 2/7/11

**For DLNR Use Only: TO CLOSE FUTURE TENANT:**

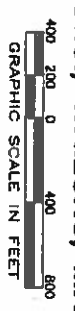
Reason for closing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved by DLA: \_\_\_\_\_  
Date request closed: \_\_\_\_\_

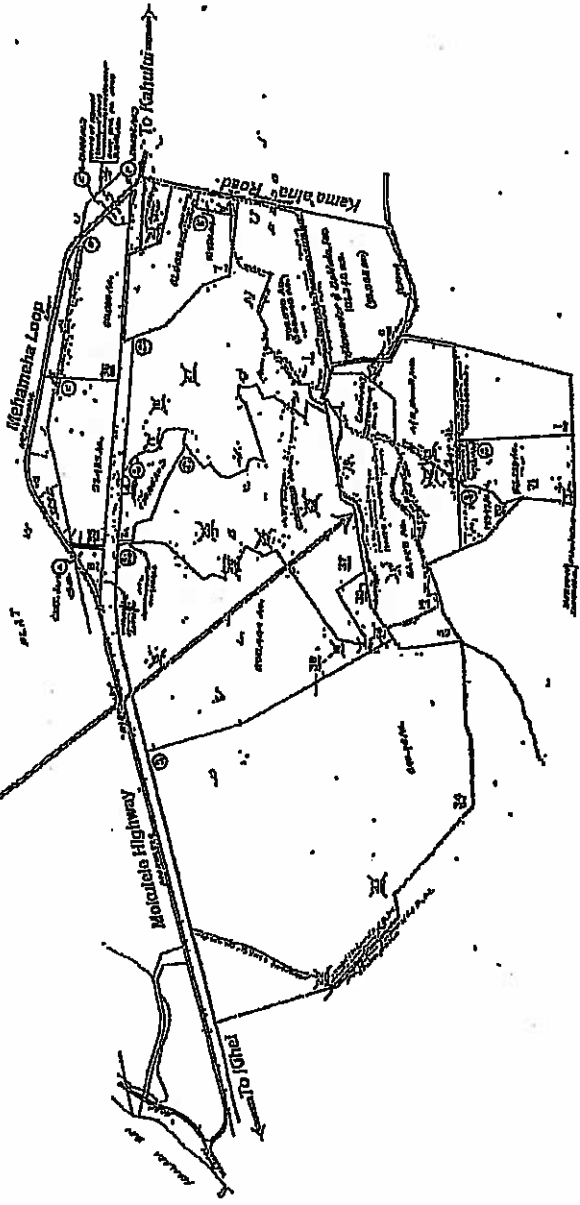


- NOTES:**
1. PROPOSED EASEMENTS B-2 AND B-6, AFFECTING ALEXANDER & BALDWIN, INC. LANDS, ARE FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF LOT 2, PUA SUBDIVISION.
  2. PROPOSED EASEMENTS B-1, B-3, B-4 AND B-5, AFFECTING STATE OF HAWAII LANDS, ARE FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF LOT 2, PUA SUBDIVISION.
  3. THE LOCATION OF EXISTING ROADS AS SHOWN ON THIS MAP ARE FROM INFORMATION PROVIDED BY ABB FROSTENBERG, INC.

**LAND OF PULEHUUNUI**  
**EXHIBIT MAP SHOWING PROPOSED**  
**EASEMENTS B-1, B-2, B-3, B-4,**  
**B-5 AND B-6**  
 Being a Portion of Land Patent 8140,  
 Land Commission Award 5230 to Keaweamahā  
 AT PULEHUUNUI, WAILUKU, MAUI, HAWAII



Subject Parcel



Survey/Registration Offices

REGISTERED BUREAU	REGISTERED
TAX MAP	REGISTERED
SECTION	SECTION
ZONE	ZONE
SEC. PLAN	SEC. PLAN
3	8
08	08
CONVEYING PARCELS	CONVEYING PARCELS
SCALE 1:1000	SCALE 1:1000

Not to Scale

SUBJECT TO CHANGE


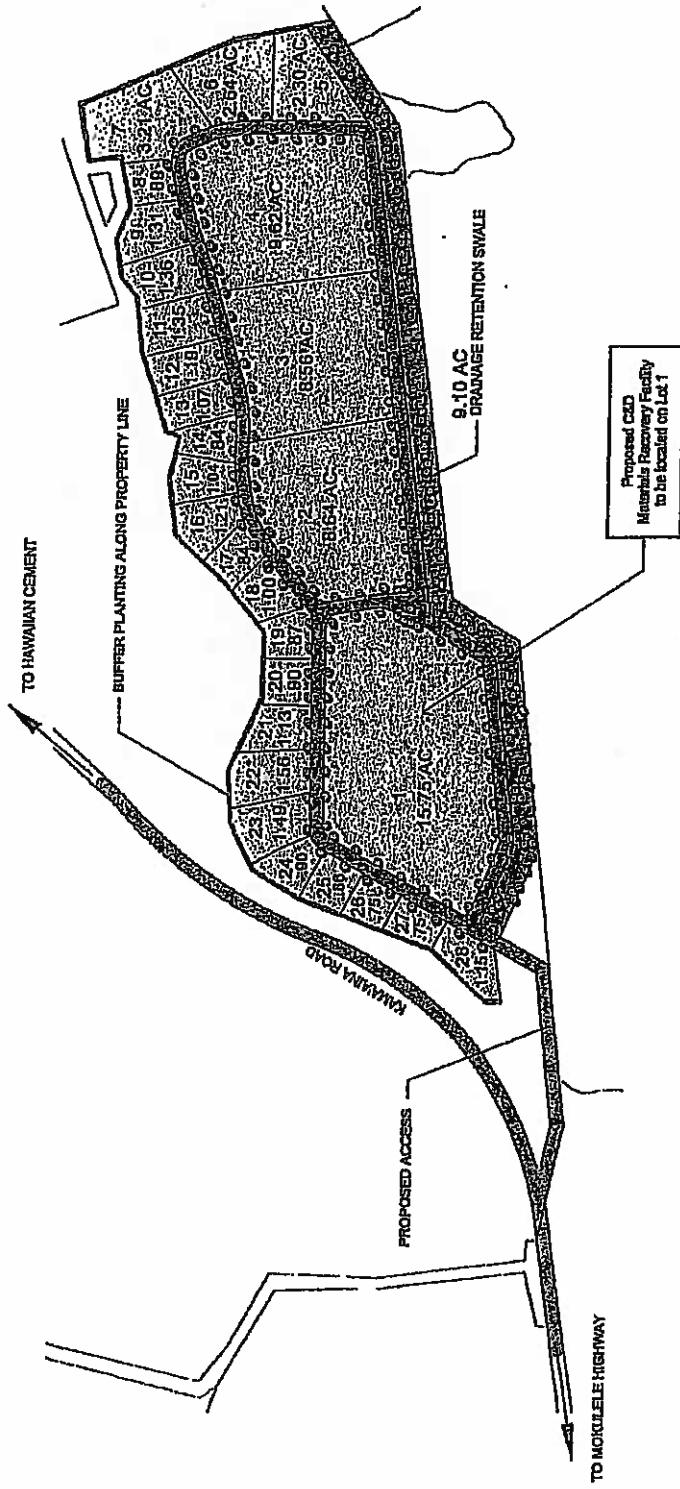
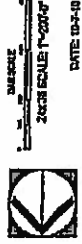
 Not to Scale	<b>PUNE</b>
	<b>86-ACRE PARCEL</b>
<b>TMK PARCEL</b>	
<b>LOCATION MAP</b>	

EXHIBIT "2"  
(page 1 of 2)





**CONCEPT SITE PLAN**  
**PUUNENE HEAVY INDUSTRIAL SUBDIVISION**  
**PUUNENE, MAUI, HAWAII**  
TRAC-2-9-06-19 66,029 AC.



**EXHIBIT "2"**  
**(page 2 of 2)**

***Request for Use of  
State Lands  
(Amended)***



P A C I F I C R I M L A N D, I N C.

February 8, 2012

VIA HAND DELIVERY

Mr. Daniel Ornellas  
District Land Agent, State of Hawaii  
Department of Land and Natural Resources  
Land Division  
54 High Street, Room 101  
Wailuku, HI 96793

Subject: Ref. No. 1JMD-101  
Author: D-DO/dy  
CMBY 2011 Investment, LLC; TMK (2) 3-8-08-019  
Land of Pulehunu

Dear Mr. Ornellas:

Thank you for meeting with Clay Sutherland and me on January 12, 2012.

For your background and reference, I wanted to confirm that CMBY 2011 Investment, LLC ("CMBY") currently does not have access to TMK (2) 3-8-08-19 (the "Property"), which property was purchased from Alexander & Baldwin, Inc. ("A&B"). Access from Mokulele Highway is provided by way of Easement 7, as shown on the attached map. However, Easement 7 terminates near the reservoir shown on the map, and access from the terminus of Easement 7 to the Property is sought at this time.

Per our discussion at that meeting, CMBY's current Request for State Lands Application Form (submitted via hand delivery on February 9, 2011), will be resubmitted by your department as an amended application.

The amended application will include: (1) Easement Map indicating Easement A as Option 1, and Easement B as Option 2; (2) Easement A and B plat map, and metes and bounds description for both options; and (3) photographs of Option 1 and Option 2 access roadways. As stated above, our current access is along Easement 7 per the Quitclaim Assignment of Partial Interest in Easement, which terminates prior to reaching the Property; therefore, we would request an easement to allow access beyond the terminus of Easement 7 to the Property. There are two possible routes for such access, as described below as Option 1 and Option 2. We would prefer the right to use Easement A, described as Option 1 below. The two access options are further described as follows:

Option 1. Easement A.

At the point of terminus for Easement 7, we are requesting a 56-foot wide access easement for a roadway. The access roadway would be a 24-foot paved road section suitable for use by all adjacent users, and would continue over lands owned by A&B, land which A&B will grant access rights to CMBY to

Mr. Daniel Ornellas  
Page 2  
February 8, 2012

the property. CMBY has reviewed the topographic map of the area indicating several utilities within the 56 feet, therefore finding the 56-foot width necessary for access to the subject property. If the 56-foot wide access easement request isn't acceptable to the department, we would request your consideration of a right of way adequate to accommodate a 24-foot paved road section and shoulders for drainage and utility uses. By providing CMBY Easement A, the State will benefit by using the access at no cost to the state.

Option 2. Easement B.

Easement 7 intersects with an existing State easement, currently being used for access to the Hawaiian Cement use area and other uses in the area. We are requesting Easement B to allow for access to A&B lands above the reservoir area. From that current access we would continue over lands owned by A&B land, which A&B will grant access rights to CMBY to the subject property.

We would appreciate your review of our request and attachments. If you have any comments to our request that would help support your recommendation to the Board of Land and Natural Resources, please contact me at 874-5263 or on my direct line at 270-5940, or by email at [blanca@pacificrimland.com](mailto:blanca@pacificrimland.com). We look forward to hearing from you.

Sincerely,

Blanca Lafolette  
Project Coordinator for  
CMBY 2011 Investment, LLC

Enc: Easement Map  
Plat map  
Metes and Bounds descriptions  
Photographs of access roadways

EASEMENT A

THE LAND OF PULEHONU  
SITUATED AT PULEHONU, WAILUKU, MAUI, HAWAII  
BEING A PORTION OF LAND PATENT 8140,  
LAND COMMISSION AWARD 5230 TO KEAWEAHI

Beginning at the Southeast corner of this Easement, being 353° 11' 30" 251.47 feet from the Southeast corner of Lot 2-B-1 of the Land of Pulehunu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being 3,289.64 feet North and 16,951.00 feet East and running by azimuths measured clockwise from True South:

1. 156° 03' 127.23 feet along the remainder of Lot 2-B-1;
2. 195° 55' 467.52 feet along the remainder of Lot 2-B-1;
3. 351° 43' 30" 136.66 feet along existing Easement 7;
4. 15° 55' 379.51 feet along Parcel 5 of Tax Map Key (2) 3-8-08;
5. 353° 11' 30" 66.14 feet along Parcel 5 of Tax Map Key (2) 3-8-08 to the point of beginning and containing an area of 0.573 Acre.



R. T. TANAKA ENGINEERS, INC.

*Kirk T. Tanaka*

Kirk T. Tanaka  
Registered Professional Surveyor  
Certificate No. 7223-LS  
License Expires: April 30, 2012

871 Kolu Street, Suite 201  
Wailuku, Hawaii 96793  
February 2, 2012

EASEMENT B

THE LAND OF PULEHONU  
SITUATED AT PULEHONU, WAILUKU, MAUI, HAWAII  
BEING A PORTION OF LAND PATENT 8140,  
LAND COMMISSION AWARD 5230 TO KEAWEAHI

Beginning at the Northwest corner of this Easement, on the Southwest corner of Parcel 6 of Tax Map Key (2) 3-8-08, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being 3,943.84 feet North and 17,085.46 feet East and running by azimuths measured clockwise from True South:

1. 263° 45' 602.80 feet along Parcel 6 of Tax Map Key (2) 3-8-08;
2. 274° 40' 25.79 feet along Parcel 6 of Tax Map Key (2) 3-8-08;
3. 4° 40' 50.00 feet along the remainder of Lot 2-B-1;
4. 94° 40' 21.00 feet along Parcel 5 of Tax Map Key (2) 3-8-08;
5. 83° 45' 608.16 feet along Parcel 5 of Tax Map Key (2) 3-8-08;
6. 185° 12' 03" 51.01 feet along the remainder of Lot 2-B-1 to the point of beginning and containing an area of 0.722 Acre.



R. T. TANAKA ENGINEERS, INC.

*Kirk T. Tanaka*

Kirk T. Tanaka  
Registered Professional Surveyor  
Certificate No. 7223-LS  
License Expires: April 30, 2012

871 Kolu Street, Suite 201  
Wailuku, Hawaii 96793  
February 2, 2012

## OPTION 1: EASEMENT A (1 of 2 pages)



Camera facing South from intersection of South Firebreak Road and the Hawaiian Cement road. To the right is the beginning of the requested Easement A



Camera facing Southwest on the requested Easement A. Street level view of the HC&S irrigation reservoir on left side of road.

## OPTION 1: EASEMENT A (2 of 2 pages)

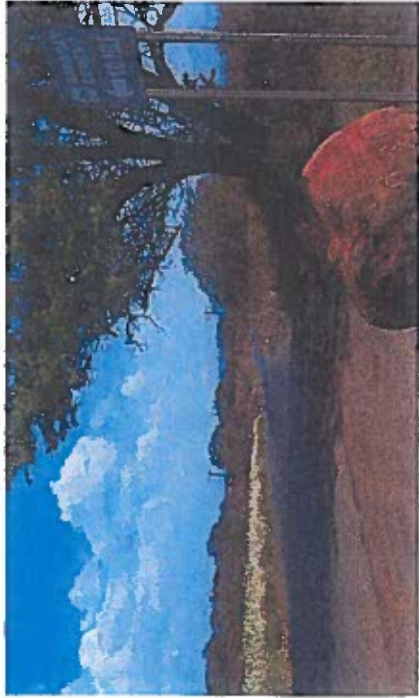


Camera facing Southwest on requested Easement A

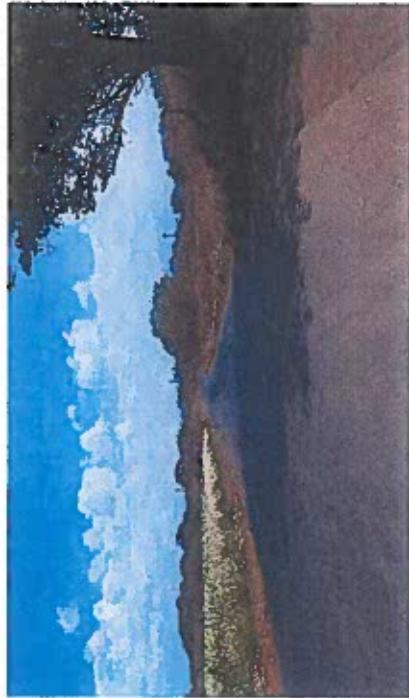


Camera facing North on requested Easement A looking toward intersection with the Hawaiian Cement road. HC&S Irrigation lies on the foreground (right)

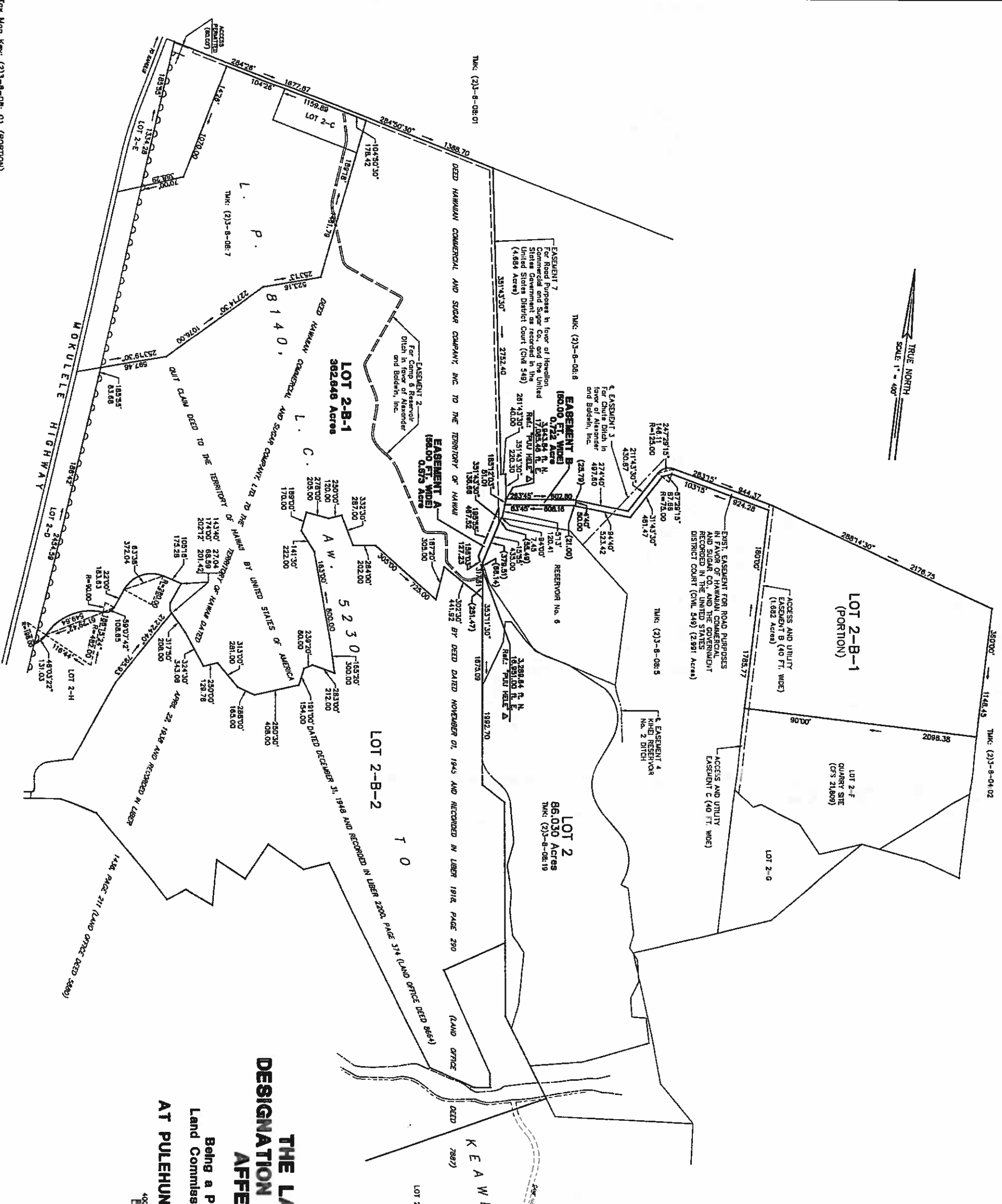
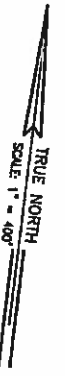
## OPTION 2: EASEMENT B



Camera facing East from Intersection of South Firebreak Road and the Hawaiian Cement road.



Camera facing East on the Hawaiian Cement road.



**THE LAND OF PULEHUNUI  
AFFECTING LOT 2-B-1  
DESIGNATION OF EASEMENTS A AND B**

Being a Portion of Land Patent 8140,  
Land Commission Award 5230 to Keaweamahi  
**AT PULEHUNUI, WAILUKU, MAUI, HAWAII**



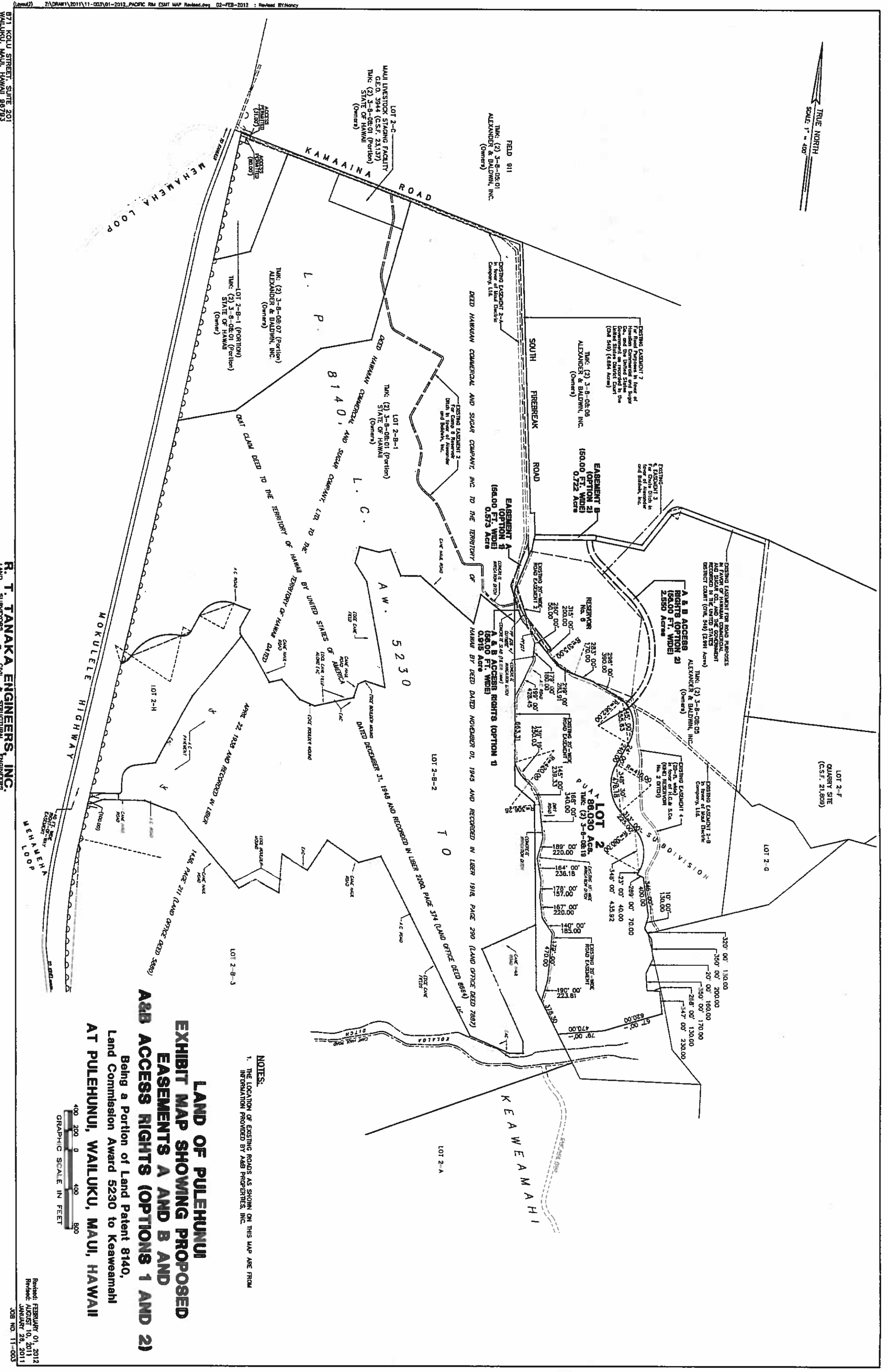
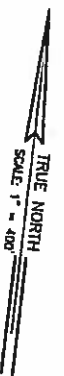
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

*Kirk T. Tanaka*  
KIRK T. TANAKA  
Licensed Professional Land Surveyor  
License Certificate No. 7254  
License Expires April 30, 2012

DATE 02/02/12

**R. T. TANAKA ENGINEERS, INC.**  
LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

Top Map Key: (2)3-8-08: 01 (PORTION)  
871 WAILUKU STREET, SUITE 201  
WAILUKU, MAUI, HAWAII 96793



**NOTES:**  
 1. THE LOCATION OF EXISTING ROADS AS SHOWN ON THIS MAP ARE FROM INFORMATION PROVIDED BY ABB PROPERTIES, INC.

**LAND OF PULEHUNUI  
 EXHIBIT MAP SHOWING PROPOSED  
 EASEMENTS A AND B AND  
 A&B ACCESS RIGHTS (OPTIONS 1 AND 2)  
 Being a Portion of Land Patent 8140,  
 Land Commission Award 5230 to Keaweamahia  
 AT PULEHUNUI, WAILUKU, MAUI, HAWAII**



**R. T. TANAKA ENGINEERS, INC.**  
 LAND SURVEYORS  
 CIVIL & STRUCTURAL ENGINEERS

871 KOLU STREET, SUITE 201  
 WAILUKU, MAUI, HAWAII 96793

Revised: FEBRUARY 01, 2012  
 Revised: AUGUST 10, 2011  
 JANUARY 29, 2011  
 JOB NO. 11-003